

IN THE DRAWINGS:

Replacement Drawing Sheets including amended FIGs. 3, 5, 6A, and 6B are provided herewith. FIGs. 3, 5, 6A, and 6B have been amended to change the reference numeral of the gateway from 136 to 134.

Enclosed: 4 Replacement Drawing Sheets

Remarks

Claims 1-7 are pending are pending in the application; claims 8-32 are canceled.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matturi et al. (US Patent 6,574,208, hereinafter "Matturi") in view of Patel (US Patent 7,031,266, hereinafter "Patel").

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matturi in view of Patel further in view of Barber et al. (US Patent Application Publication 2004/0078598, hereinafter "Barber").

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Entry of this Amendment is proper under 37 CFR 1.116 since the amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfies a requirement of form asserted in the previous Office Action; (d) does not present any additional claims without canceling a corresponding number of finally rejected claims; or (e) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the amendment is thus respectfully requested.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel

and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Rejection Under 35 U.S.C. 103(a)

Claims 1-5

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matturi in view of Patel. The rejection is traversed.

Matturi and Patel, alone or in combination, fail to teach or suggest at least the limitation of "receiving at said WLAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point," as claimed in Applicants' claim 1.

Matturi discloses that network element identification information is fed into a base station to be installed and the base station is physically connected to the system. (Matturi, Abstract). If the base station controller detects that it has been provided with identification information on base stations not yet connected thereto, the base station controller transmits a communication control channel (a link protocol link establishment request message) to the base station. (Matturi, Col. 7, Lines 4 – 18). In other words, Matturi is directed toward cellular networks. Matturi is devoid of any teaching or

suggestion of a WLAN and, thus, fails to teach or suggest the wireless access points or WLAN gateway of Applicants' claim 1.

Furthermore, even assuming that the cellular network teachings of Matturi could be applied in a rejection of Applicants' claims (which Applicants maintain they cannot) Matturi merely discloses that a base station controller transmits a request message to the base station, and, further, the base station controller receives a response message from the base station that includes the identification information of the base station. By contrast, Applicants' claim 1 includes the feature that a gateway receives a request message from at least one access point.

Moreover, Applicants further note that Matturi is devoid of any teaching or suggestion of any of the specific parameters included in the access point registration request of Applicants' claim 1 (namely, access point location, IP address, MAC address, radio type, and power level information of the wireless access point). Rather, Matturi merely includes a general statement indicating that response message from the base station includes identification information of the base station. Identification information of a base station, as disclosed in Matturi, does not teach or suggest access point location, IP address, MAC address, radio type, and power level information of a wireless access point in a WLAN network, as claimed in Applicants' claim 1.

As such, for at least these reasons, Matturi fails to teach or suggest at least the limitation of "receiving at said WLAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point," as claimed in Applicants' claim 1, and, thus, fails to teach or suggest Applicants' claim 1, as a whole.

Furthermore, Patel fails to bridge the substantial gap between Matturi and Applicants' claim 1.

Patel discloses a system for configuring a wireless router and a wireless communications network in which connectivity is established between the wireless router and at least one wireline router, connectivity is established between the wireless router and a plurality of neighboring wireless routers, and the wireless router is configured

based on information exchanged with the neighboring wireless routers through the wireline router. (Patel, Abstract).

Patel, however, alone or in combination with Matturi, fails to teach or suggest at least the limitation of “receiving at said WLAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point,” as claimed in Applicants’ claim 1.

Rather, Patel discloses that a wireless router exchanges configuration with neighboring wireless routers, not a gateway. The exchange of configuration information between wireless routers such that one wireless router receives configuration information from neighboring wireless routers, as disclosed in Patel, does not teach or suggest that a gateway receives an access point registration request from a wireless access node, as claimed in Applicants’ claim 1. Rather, at most, Patel discloses that configuration information is exchanged between access points, not between an access point and a gateway.

In the Office Action, the Examiner cites specific portions of Patel, asserting that the cited portions of Patel disclose “that the access point transmits a registration request message....” (Office Action, Pg. 3). Applicants respectfully note that the cited portions of Patel each fail to teach or suggest that a gateway receives an access point registration request from an access point. Rather, each of the cited portions of Patel merely discloses negotiation of configuration parameters between wireless routers, i.e., between access points. Patel fails to teach or suggest that a gateway receives an access point registration request from a wireless access node, as claimed in Applicants’ claim 1.

Furthermore, Applicants note that, like Matturi, Patel fails to teach or suggest a wireless local area network (WLAN). Rather, Patel merely describes wireless routers and wireline routers. Patel is devoid of any teaching or suggestion of a WLAN gateway. Thus, like Matturi, Patel also must fail to teach or suggest “receiving at said WLAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point,” as claimed in Applicants’ claim 1.

Moreover, as admitted by the Examiner, both Matturi and Patel fail to teach or suggest an access point registration request comprising a MAC address. In the Office Action, the Examiner takes Official Notice with respect to the MAC address limitation, asserting that "...while the use of a MAC address is not specifically noted, it is well known in the art of wireless networking to utilize a MAC address as a unique identifier." (Office Action, Pg. 4). Applicants respectfully disagree.

MPEP 2144.03 states that "[i]t would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known" and, further, that "[i]f applicant adequately traverses the examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained."

Applicants note that MAC addresses are not necessarily used in all types of wireless networks. For example, MAC addresses typically are not used in cellular networks, such as the network of Matturi. Additionally, it is not clear that MAC addresses necessarily would be used in the network of Patel. Thus, since MAC addresses are not used in all types of wireless networks, the Examiner's reliance, via Official Notice, on the use of MAC addresses in wireless networks is improper. Accordingly, the Examiner must provide documentary evidence in the next Office action if the rejection is to be maintained.

Additionally, Applicants further note that Matturi and Patel each fail to teach or suggest an access point registration request comprising an IP address or a radio type. As described hereinabove, Matturi merely states that a response message from the base station includes identification information of the base station, failing to teach or suggest any of the specific parameters included in the access point registration request of Applicants' claim 1. Furthermore, Applicants note that the parameters described in Patel (which are listed in Figure 3 of Patel) fail to include IP address or radio type. Applicants respectfully request that the Examiner point out exactly where in Patel there is any teaching or suggestion of an access point registration request including an IP address or a radio type.

Thus, since each of Matturi and Patel fails to teach or suggest the limitation of “receiving at said WLAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point,” any combination of Matturi and Patel (assuming such combination is even possible) also fails to teach or suggest the limitation of “receiving at said WLAN gateway, from at least one wireless access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said wireless access point,” as claimed in Applicants’ claim 1.

Thus, for at least these reasons, Matturi and Patel, alone or in combination, fail to teach or suggest Applicants’ claim 1, as a whole.

The Office Action failed to establish a *prima facie* case of obviousness, because the combination of Matturi and Patel fails to teach or suggest all the claim elements.

As such, independent claim 1 is patentable over Matturi in view of Patel under 35 U.S.C. 103(a). Furthermore, independent claim 3 recites relevant limitations similar to those recited in independent claim 1. Accordingly, for at least the same reasons discussed above, Applicants submit that independent claim 3 is also non-obvious and is patentable over Matturi in view of Patel under 35 U.S.C. §103. Furthermore claims 2 and 4-5 depend, directly or indirectly, from independent claims 1 and 3 while adding additional elements. Therefore, these dependent claims also are non-obvious and are patentable over Matturi in view of Patel under 35 U.S.C. §103 for at least the same reasons discussed above in regards to independent claims 1 and 3.

As such, Applicants’ claims 1-5 are patentable over Matturi in view of Patel under 35 U.S.C. §103(a). Therefore, the rejection should be withdrawn.

Claims 6-7

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matturi in view of Patel further in view of Barber. The rejection is traversed.

Each ground of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. 103 given Matturi in view of Patel. Since

the rejection under 35 U.S.C. 103 given Matturi in view of Patel has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Barber supplies that which is missing from Matturi and Patel to render the amended independent claims obvious, these grounds of rejection cannot be maintained.

Therefore, the rejection should be withdrawn.


Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Michael Bentley or Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

Dated: 5/23/08



Eamon J. Wall
Registration No. 39,414
Attorney for Applicants

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808